

APPLICATION REPORT – 19/01050/FUL

Validation Date: 6 February 2020

Ward: Eccleston And Mawdesley

Type of Application: Full Planning

Proposal: Erection of 4no. detached dwellinghouses, following the demolition of the existing dwelling and associated outbuildings

Location: Wilbrook Blue Stone Lane Mawdesley Ormskirk L40 2RG

Case Officer: Amy Aspinall

Authorising Officer: Adele Hayes

Applicant: Mr Simon Malcolm

Agent: Mr Peter Dickinson, Peter Dickinson Architects

Consultation expiry: 2 November 2020

Decision due by: 26 November 2020 (Extension of time agreed)

UPDATE REPORT

1. The recommendation remains that planning permission is granted, subject to conditions.
2. Members will recall that this application was deferred at the Planning Committee meeting held on 24 November 2020 to allow time for Members to visit the site. The original committee report follows on below and has been updated to include the suggested conditions previously set out on the Addendum. In addition, Members will recall that the following additional information was also detailed on the Addendum:

Mawdesley Parish Council:

Have commented that they object to the proposed development 'due to Green Belt'.

Cllr Holgate has commented as follows:

"I oppose this planning application as I believe it is inappropriate development of a site in the greenbelt.

Chorley Council local plan clearly states:

12. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

I see nothing in the officers report of the stated policy being "clearly outweighed by other consideration"

13. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 145 of the Framework of development that need not be considered inappropriate development in the Green Belt is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

I am convinced that the construction of 4 detached properties would have a greater impact on the openness of the Greenbelt than the existing development, particularly given that the existing structure is a bungalow.

I therefore request that the committee refuse planning permission as the proposal fails to meet the criteria set out in the LDF extracts 12 & 13 as set out above.

I see this as more than justifiable reason to refuse the application”

Other comments received:

Cllr Boardman has sought clarification in respect of the volume calculations. Cllr Boardman has also queried whether or not the Design and Access Statement has been updated, as the original scheme was for 5no. dwellings but has been reduced to 4no dwellings.

Officer response

The submission of a Design and Access Statement is not a statutory or validation requirement for a minor development. Accordingly, the applicant was not requested to update the statement when the scheme was reduced from 5n. dwellings to 4no. dwellings.

In his objection, Cllr Holgate makes reference to paragraph 12 of the officer report which set out the principle of development in the Green Belt, whereby proposals will only be allowed in the Green Belt if it is considered appropriate development or where very special circumstances can be demonstrated. Cllr Holgate states that there is nothing in the officer report of the stated policy being “clearly outweighed by other consideration” and that he considers that the construction of 4 detached properties would have a greater impact on the openness of the Greenbelt than the existing development, particularly given that the existing structure is a bungalow.

Members are directed to paragraphs 13 to 22 of the officer report. Members will note that paragraph 13 of the officer report explains that within the National Planning Policy Framework (paragraph 145) there are a number of exceptions whereby buildings in the Green Belt can be considered to be appropriate and this includes the redevelopment of previously developed land in the Green Belt. This is, however, subject to the test that the proposal does not have a greater impact on the openness of the Green Belt than the existing development.

The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site. This is addressed in detail in the officer report at paragraphs 14 to 22.

Members will be aware that the site is not merely a bungalow, but also benefits from a number of buildings which are spread across the site. These would be demolished as part of the application.

Cllr Boardman has sought clarification on the volume calculations which are provided below and are also provided on the application drawings:

Existing dwellinghouse	approx. 1164.33 m3
Existing garage	approx. 617m3
Existing outbuilding	approx. 170m3
Existing timber building	approx. 70m3
Proposed dwellings	approx. 571 x 4 = 2284m3

Percentage increase excluding the timber building = 17% increase

Percentage increase including the timber building = 13% increase (Please note that there is a typographical error in the officer report at paragraph 19 which stated 8% increase)

The applicant did not include the timber building in their assessment as they did not think that offsetting a timber building would be acceptable, however, this is not the case.

As set out in the officer report, the Council considers that a volume increase of up to 30% is not 'materially larger'. Accordingly, when applying this approach, the proposed volume increase of approximately 13% above existing volumes would not be a material increase, when considering the impact on the openness of the Green Belt

The conclusion is drawn that the proposal would not have a greater impact on the openness of the Green Belt above the existing development when considering the various aspects of openness, and that a mere change itself does not amount to harm.

The proposed development accords with exception (g) of paragraph 145 and is not, therefore, inappropriate development in the Green Belt. Where a proposal accords with any of the exceptions of paragraph 145, very special circumstances are not required.

PREVIOUS REPORT:

RECOMMENDATION

1. It is recommended that planning permission is granted, subject to conditions.

SITE DESCRIPTION

2. The application site is located within the Green Belt and is comprised of a detached dwellinghouse and its curtilage, and land which has lawful domestic use that has been confirmed through the granting of a certificate of lawfulness. The land is occupied by various buildings and associated hard standing. To the rear of the site is agricultural land, and the site is viewed in the context of linear development of residential properties along Blue Stone Lane.
3. The site falls to be considered as previously developed land, as defined in the National Planning Policy Framework (the Framework) at Annex 2: Glossary which states:

"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape".

DESCRIPTION OF PROPOSED DEVELOPMENT

4. The application seeks full planning permission for the erection of 4no. detached dwellinghouses which would utilise the current vehicular access off Blue Stone Lane, although it would be widened, including the provision of footways either side. The proposed development also includes the demolition of the existing bungalow and all associated outbuildings within the site. The gated field access to the south along Nook Lane would be retained.

REPRESENTATIONS

5. 1no. representation has been received citing the following grounds of objection:

- The proposed development is another example of multiple / enlarged dwellings on existing sites which is putting serious pressure on the current infrastructure in terms of traffic, surface water and mains drainage.
- Bluestone Lane is the principal road through Mawdesley and the planning site is very near a right angle bend and a junction (where we understand even more housing is planned on the site of the old Robin Hood pub, most recently called the Mediterranean Restaurant).
- Traffic is heavy at peak times and motorists often ignore the speed limit.
- This stretch of road is poorly lit and is also a favoured route for large groups of cyclists. To have an additional 10-12 cars turning in and out of this site (and potentially as many again from the Robin Hood site) will significantly increase the risk of a serious accident.
- There are drainage issues on Blue Stone Lane and Nook Lane
- It is queried how many more houses or enlarged properties the current main drain along this road can accommodate and whether the Council communicates with United Utilities and North West Water about these issues.
- It is also queried whether the LPA have assurances that the volume of planning applications that are approved will not further jeopardise existing residents.

CONSULTATIONS

6. Mawdesley Parish Council: No comments have been received.
7. CIL Officers: Advise that the development is subject to the CIL Charge for Dwelling Houses as listed in Chorley Council's CIL Charging Schedule.
8. Greater Manchester Ecology Unit: Have no objection and recommend conditions.
9. Lancashire County Council Highway Services: Have no objection and recommend conditions.
10. United Utilities: Have no objection and drainage conditions are advised.

PLANNING CONSIDERATIONS

Principle of development in the Green Belt

11. The application site is located within the Green Belt and falls within the definition of previously developed land provided within the Framework. Section 13 of the Framework confirms that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

12. Development will only be permitted within the Green Belt, in accordance with the Framework, if it is considered appropriate development or where very special circumstances can be demonstrated. The Framework confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

13. Paragraph 145 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt but lists a number of exceptions. One exception listed at paragraph 145 of the Framework of development that need not be considered inappropriate development in the Green Belt is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development.

14. Whilst the test for sites such as this relates to the impact on openness, the Framework does not contain a specific definition of 'openness'. It is a subjective judgment which is considered further below, along with objective criteria of making that assessment. It is considered that in respect of the Framework, the existing site currently has an impact on the openness of the Green Belt. However, it is important to note that merely the presence of an existing building on the site currently does not justify any new buildings. The new buildings must also not "have a greater impact on the openness of the Green Belt".

15. To engage with the exceptions of paragraph 145 of the Framework, which is reflected in policy BNE5 of the Chorley Local Plan 2012 – 2026, the test relates to the existing development. The openness of an area is clearly affected by the erection or positioning of any object within it no matter whether the object is clearly visible or not. The openness test relates to the whole of the site.

16. This part of Mawdesley is not specified as an area for growth within Core Strategy Policy 1 and falls to be considered as an 'other place'. Criterion (f) of Core Strategy Policy 1 reads as follows:

"In other places – smaller villages, substantially built up frontages and Major Developed Sites – development will typically be small scale and limited to appropriate infilling, conversion of buildings and proposals to meet local need, unless there are exceptional reasons for larger scale redevelopment schemes."

17. Policy BNE5 relates to the redevelopment of previously developed sites in the Green Belt and states that redevelopment of previously developed sites in the Green Belt will be permitted providing that the appearance of the site as a whole is maintained or enhanced and that all proposals, including those for partial redevelopment, are put forward in the context of a comprehensive plan for the site as a whole.

18. Whether harm is caused to openness depends on a variety of factors such as the scale of the development, its locational context and its spatial and/or visual implications. At present, the site is occupied by a large detached bungalow and a number of associated outbuildings which are spread across the site, including a double access / driveway and associated hardstanding areas. The presence of this existing development already causes harm to openness by its mere existence; and case law has established that for there to be a greater impact, there must be something more than merely a change.

19. The proposal involves the demolition of all existing buildings which occupy the site, in order to offset the harm caused to openness which would arise from the proposed development. In volumetric terms, the proposed dwellings would have approximately 17% uplift in volume compared to the existing volumes provided in the application. However, there is a further building on site which would be demolished to accommodate the proposal, and this has not been included in the submitted calculations. When taking this building into account, the resultant increase in volume would be approximately 8%. It would, however, have a reduced footprint by approximately 14% than the existing buildings combined.

20. When considering the increase in volume, national policy allows for the replacement of a building provided, among other things, that they are not materially larger. The Council considers that a volume increase of up to 30% is not 'materially larger'. Accordingly, when applying this approach, the proposed volume increase of approximately 8% above existing volumes would not be a material increase, when considering the impact on the openness of the Green Belt.

21. The proposed dwellings would be spread across the site and would be of two storeys in height, whereas the existing buildings are approximately 2 metres lower in height. The proposal would have a uniformed layout with a smaller footprint, with the built form located closer to the road frontage, and gardens backing onto the fields. Although there would be a change in how the site looks, when taking the above factors into account it is not considered that the redevelopment of the site for 4no. dwelling would have a greater impact on the openness of the Green Belt than the existing development.

22. The proposal is considered to accord with exception (g) of paragraph 145 and is not, therefore, inappropriate development in the Green Belt.

23. In relation to the scale of development in an 'other area' as identified by policy 1(f) of the Central Lancashire Core Strategy the proposed development is not major development and, therefore, falls to be considered small scale. As such it is considered that the proposed development is compliant with policy 1(f) of the Central Lancashire Core Strategy.

Impact on the character and appearance of the area

24. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided the proposal does not have a significantly detrimental impact on the surrounding area by virtue of its density, siting, layout, building to plot ratio, height, scale and massing, design, orientation and use of materials; and that the layout, design and landscaping of all elements of the proposal, including any internal roads, car parking, footpaths and open spaces, are of a high quality and respect the character of the site and local area

25. The site is already in domestic use as a single dwellinghouse and associated land and outbuildings which have a lawful domestic use. The appearance of the site is already residential, albeit there is only 1no. dwelling. The proposal includes 4no. detached dwellings set in a uniformed layout that would be served off a single access, with dwellings set back from the road, but still providing a frontage. The design of the dwellings is of a simple form with a contemporary palette of materials including the use of render and timber cladding. First floor accommodation is provided in the roof space, which provides a modest scale development which would not be harmful to the character and appearance of the area.

26. The proposed development is considered to accord with policy BNE1 of the Chorley Local Plan 2012 -2026 in respect of design considerations.

Impact on neighbouring amenity

27. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026 stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that, where relevant to the development the proposal would not cause harm to any neighbouring property by virtue of overlooking, overshadowing, or by creating an overbearing impact; and that the proposal would not cause an unacceptable degree of noise disturbance to surrounding land uses.

28. Plot 4 would be situated adjacent to the existing property known as 'Sherwood' which is a detached bungalow. It would be located slightly further away from this neighbouring property than the existing dwellinghouse. There would be no habitable room windows at first floor in the side elevation facing this neighbouring dwelling, except for roof lights which would be above 1.7 metres from floor level and would not, therefore, result in any overlooking or loss of privacy impacts. In addition, there would be no breach of the 45 degree guideline when measured from the nearest habitable room to the rear elevation of Sherwood. This property benefits from planning permission for various alterations, however, these would not be compromised by the current application.

29. Other neighbouring dwellings are well separated from the application site so as to not be adversely impacted upon by overlooking, loss of privacy or overbearing effect.

30. Each proposed dwellinghouse would have sufficient private amenity space to carry out day-to-day domestic activities and would afford acceptable living conditions to future occupiers.

31. The proposed development is considered to be a compatible use with neighbouring residential properties and would not give rise to adverse impacts of noise and disturbance given the small-scale domestic nature of the proposal.

32. The proposed development is considered to accord with the provisions of policy BNE1 of the Chorley Local Plan 2012 – 20126 in respect of amenity.

Highway safety

33. Policy BNE1 (Design Criteria for New Development) of the Chorley Local Plan 2012 -2026) stipulates that planning permission will be granted for new development, including extensions, conversions and free standing structures, provided that the residual cumulative highways impact

of the development is not severe and it would not prejudice highway safety, pedestrian safety, the free flow of traffic, and would not reduce the number of on-site parking spaces to below the standards stated in Site Allocations Policy – Parking Standards, unless there are other material considerations which justify the reduction.

34. During the course of the application revised plans have been received to address the comments of Lancashire County Council Highways (LCC). This includes the permanent closure of the northern most access, the widening of the existing access, including the provision of footways either side of the access and to the front of the site.

35. The site would be served by 1no. access point, although the field access off Nook Lane would be retained to maintain access to that field. The provision of 2 metre wide footways are required to satisfy the needs of the pedestrian safety given the 40mph speed of the road and to allow connectivity; and these are shown on the proposed site plan. The access and highway works would be secured by condition and would also require an appropriate S278 agreement with LCC Highways.

36. A neighbouring objection has been received which raises concerns about traffic at peak times, the speed of the road which is stated to be ignored by motorists, in addition to the road being poorly lit and used for large groups of cyclists. The cumulative impact of proposed housing at the Robin Hood pub is also raised in the objection and the significant increase of accidents from 10-12 cars turning in and out of the application site. It should be noted, however, that the Robin Hood pub already has unrestricted traffic movements through its lawful use and notwithstanding this, LCC Highways have assessed the application and raise no objection on highway safety grounds.

37. Each proposed dwellinghouse would have 4no. bedrooms and parking provision for 3no. vehicles is provided per plot, in line with the Council's parking standards as set out in Appendix A of the Chorley Local Plan.

38. Whilst the neighbour comments in relation to traffic and highway safety are noted, LCC Highway Services are satisfied with the proposal and in the absence of any objection from them it is not considered that a reason for refusal could be sustained. The proposal is considered to accord with policy BNE1 of the Chorley Local Plan 2012 - 2026 in respect of highway safety matters.

Ecology

39. The application is accompanied by various ecological surveys and includes a great crested newt survey, bat emergence survey and mitigation measures.

40. An eDNA survey has been carried out for three ponds within the vicinity of the proposed development. No evidence of great crested newts was recorded and the Council's appointed ecologists at Greater Manchester Ecology Unit (GMEU) advise that the risk of great crested newts being impacted upon by the development is very low.

41. An emergence survey was carried out following the identified presence of bat droppings within the attic of the existing bungalow and, therefore, the property was classified as having moderate potential for a bat roost. The droppings were DNA tested to identify species, which returned positive for common pipistrelle. Other buildings on site were assessed as having either negligible (the brick-built outbuilding) or low potential (the timber building and the large garage).

42. In terms of overall bat activity recorded at the site, the report considers the activity to have been very limited, with most activity around the timber building although it has low suitability for bats.

43. The report identifies that of the bat activity recorded when surveying the bungalow, much of the recorded flight lines and foraging was recorded in the rear gardens of the neighbouring property to the north; and that there is the possibility of a roost being located in the

neighbouring property. The report suggests that this could be a sign that a colony of common pipistrelle inhabit the area, as the species is highly mobile.

44. The Council's appointed ecologists at GMEU have assessed the surveys and advise that it is unlikely that the roost is critical to the favourable conservation status of the bat species (the common pipistrelle) and that that other roosting opportunities must be present nearby. GMEU confirm that they are satisfied that the proposed mitigation measures are adequate and that it is likely that Natural England will not object. A condition in relation to securing the Natural England licence is recommended by GMEU.

45. In considering the three tests of the Habitat Regulations 2017, the proposal would deliver social and economic benefits through the delivery of housing on a brownfield site, which would contribute to the Council's housing land supply. Secured by appropriate conditions, the proposal would deliver environmental enhancements through the landscaping of the site which would include biodiversity gains including features such as bird and bat boxes. In terms of test 2, to do nothing would mean that the public benefits cannot be delivered and the enhancements, in particular for bats, would not be delivered. Identified roost is not critical to the favourable conservation status of the population of the bat species and as such it would be maintained. It is considered that the tests are met. The identified day roost is of low conservation concern, but nonetheless, favourable conservation status of the population of the species would be maintained.

46. Having regard to the above, and the recommended condition, it is not considered that the proposal would be detrimental to nature conservation interests or European protected species.

Public open space

47. Policy HS4 of the Chorley Local Plan 2012 – 2026 requires public open space contributions for new dwellings to be provided in order to overcome the harm of developments being implemented without facilities being provided.

48. Until recently the National Planning Practice Guidance (NPPG) previously set out a threshold for tariff-style contributions, stating that planning obligations should not be sought from developments of 10 or less dwellings and which have a maximum combined floorspace of no more than 1000 square metres. This guidance has been removed from the latest NPPG and has been replaced with a requirement that planning obligations for affordable housing should only be sought for residential developments that are major developments.

49. Specifically, the guidance as of last year was derived from the order of the Court of Appeal dated 13 May 2016, which gave legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014 which has not been withdrawn and which should, therefore, clearly still be taken into account as a material consideration in the assessment of planning applications.

50. To this end whilst it would normally be inappropriate to require any affordable housing or social infrastructure contributions on sites below the thresholds stated, local circumstances may justify lower (or no) thresholds as an exception to the national policy. It would then be a matter for the decision-maker to decide how much weight to give to lower thresholds justified by local circumstances.

51. Consequently, the Council must determine what lower thresholds are appropriate based on local circumstances as an exception to national policies and how much weight to give to the benefit of requiring a payment for 10, or fewer, dwellings. The Council has agreed to only seek contributions towards provision for children/young people on developments of 10 dwellings or less.

52. There is currently a surplus of provision in Eccleston and Mawdesley in relation to this standard, however, the site is not within the accessibility catchment of an area of provision for children/young people. A contribution towards new provision in the accessibility catchment would, therefore, be required from this development, however no new provision is currently

identified. In the absence of an identified scheme, a public open space commuted sum cannot be secured at this time.

Sustainability

53. Policy 27 of the Core Strategy requires all new dwellings to be constructed to Level 4 of the Code for Sustainable Homes or Level 6 if they are commenced from 1st January 2016. It also requires sites of five or more dwellings to have either additional building fabric insulation measures or reduce the carbon dioxide emissions of predicted energy use by at least 15% through decentralised, renewable or low carbon energy sources. The 2015 Deregulation Bill received Royal Assent on Thursday 26th March 2015, which effectively removes Code for Sustainable Homes. The Bill does include transitional provisions which include:

54. "For the specific issue of energy performance, local planning authorities will continue to be able to set and apply policies in their Local Plans which require compliance with energy performance standards that exceed the energy requirements of Building Regulations until commencement of amendments to the Planning and Energy Act 2008 in the Deregulation Bill 2015. This is expected to happen alongside the introduction of zero carbon homes policy in late 2016. The government has stated that, from then, the energy performance requirements in Building Regulations will be set at a level equivalent to the (outgoing) Code for Sustainable Homes Level 4. Until the amendment is commenced, we would expect local planning authorities to take this statement of the government's intention into account in applying existing policies and not set conditions with requirements above a Code Level 4 equivalent."

55. "Where there is an existing plan policy which references the Code for Sustainable Homes, authorities may continue to apply a requirement for a water efficiency standard equivalent to the new national technical standard, or in the case of energy a standard consistent with the policy set out in the earlier paragraph in this statement, concerning energy performance."

56. Given this change, instead of meeting the code level, the dwellings should achieve a minimum dwelling emission rate of 19% above 2013 Building Regulations in accordance with the above provisions. This could be controlled by a condition.

Drainage

57. Although an objection raises concerns in relation to drainage and capacity in the area, United Utilities have been consulted on this application and raise no objections. They do, however, recommend drainage conditions in relation to surface water drainage and that foul and surface water should be drained on separate systems.

Community Infrastructure Levy (CIL)

58. The Chorley CIL Infrastructure Charging Schedule provides a specific amount for development. The CIL Charging Schedule was adopted on 16 July 2013 and charging commenced on 1 September 2013. The proposed development would be a chargeable development and the charge is subject to indexation in accordance with the Council's Charging Schedule.

CONCLUSION

59. The proposal accords with the exception of paragraph 145 (g) of the National Planning Policy Framework and is not, therefore, inappropriate development in the Green Belt. The proposal would not be detrimental to the character and appearance of the area, nor would it adversely affect the amenity afforded to neighbouring residential properties. The proposed development would not prejudice highway safety and would not be detrimental to nature conservation interests or European protected species. The application is considered to accord with the relevant policies of the Development Plan and is recommended for approval, subject to conditions.

RELEVANT POLICIES: In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Central Lancashire Core Strategy, the Adopted Chorley Local Plan 2012-2026 and adopted Supplementary Planning Guidance), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/guidance considerations are contained within the body of the report.

60. Suggested conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans below:

Title	Plan Ref	Received On
Location Plan	3719 19 20	4 November 2019
Proposed Site Plan	3719 20 15	16 March 2020
Proposed Plans and Elevations	3719 20 14	16 March 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of any dwellinghouse hereby permitted details of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.

Reason: In the interests of the appearance of the development in the locality.

4. No dwelling hereby permitted shall be commenced until all existing buildings on the site (as shown on drawing number 3719 19 11) are demolished in full and all resultant materials removed from the site.

Reason: The demolition of the existing buildings is necessary to make the development acceptable in the Green Belt as an exception to inappropriate development in the Green Belt as listed in paragraph 145 (g) of the National Planning Policy Framework and also in accordance with Chorley Local Plan 2012 - 2026 policy BNE5.

5. All new dwellings are required to achieve a minimum Dwelling Emission Rate of 19% above 2013 Building Regulations.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reduction as part of new residential schemes in the interests of minimising the environmental impact of the development.

6. Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that each dwelling will meet the required Dwelling Emission Rate. The development thereafter shall be completed in accordance with the approved details.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure

energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development. This needs to be provided prior to the commencement so it can be assured that the design meets the required dwelling emission rate.

7. No dwelling hereby approved shall be occupied until a SAP assessment (Standard Assessment Procedure), or other alternative proof of compliance (which has been previously agreed in writing by the Local Planning Authority) such as an Energy Performance Certificate, has been submitted to and approved in writing by the Local Planning Authority demonstrating that the dwelling has achieved the required Dwelling Emission Rate.

Reason: Policy 27 of the Adopted Central Lancashire Core Strategy requires new dwellings to be built to Code for Sustainable Homes Level 4 however following the Deregulation Bill 2015 receiving Royal Assent it is no longer possible to set conditions with requirements above a Code Level 4 equivalent. However, as Policy 27 is an adopted Policy it is still possible to secure energy efficiency reductions as part of new residential schemes in the interests of minimising the environmental impact of the development.

8. No demolition of the bungalow shall be commenced until the following has been submitted to the Local Planning Authority:

- a) a licence issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead:
or
- b) a statement in writing from the relevant licensing body to the effect that it does not consider that the specified development will require a license

Reason: In the interests of nature consideration as bats, a protected species, were found to be present in the bungalow.

9. For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

10. No part of the development hereby permitted shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and approved by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until the access and off-site works have been completed in accordance with the approved scheme and made available for use.

Reason: To ensure that the final details of the highway scheme/works are acceptable in the interests of highways safety and as such details are required as part of the s278 process under the Highways Act.

11. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

12. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13. No works to trees, shrubs or hedgerows shall occur between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and that appropriate measures in place to protect nesting bird interests on site.

Reason: All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981 (as amended).

14. Before the development hereby permitted is first commenced full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.

15. Prior to the commencement of the development hereby permitted, a scheme for the landscaping of the development and its surroundings shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following:

- the types and numbers of trees, hedges and shrubs to be planted, their distribution on site and those areas to be seeded
- details of paving and hard landscaped areas, to include materials and colour

All landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of the appearance of the development in the locality and to provide biodiversity enhancement through landscaping of the site.

RELEVANT HISTORY OF THE SITE

Ref: 18/01120/CLEUD **Decision:** PEREUD **Decision Date:** 29 July 2019

Description: Application for a Certificate of Lawfulness for an existing use comprising domestic use of building and land

Ref: 94/00195/FUL **Decision:** PERFPP **Decision Date:** 26 April 1994

Description: New vehicular access to from through drive

Ref: 81/00387/REM **Decision:** PERRES **Decision Date:** 19 May 1981

Description: Bungalow

Ref: 80/01151/OUT **Decision:** PEROPP **Decision Date:** 19 January 1981

Description: Bungalow to replace existing cottage

Ref: 79/00694/FUL **Decision:** PERFPP **Decision Date:** 22 October 1979

Description: Kitchen/bathroom extension